

PATENTREMARKS

In response to the outstanding Office Action, dated May 6, 2003<sup>4</sup>, Applicants submit the following remarks.

In the outstanding Office Action, the Examiner objected to the disclosure. Applicants have amended the specification as suggested by the Examiner, thereby obviating the Examiner's objection. Claims 1-20 were also objected to by the Examiner for reasons as stated in the Office Action. Applicants have amended claims 1 and 9 as suggested by the Examiner, thereby obviating the Examiner's objection.

Claims 1-4 and 9-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,131,242 to Zipperle et al. (the Zipperle reference). Claims 8 and 20 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,582,002 to Hogan et al. (the Hogan reference). Claims 9 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Zipperle reference in view of U.S. Patent Application Publication 2004/0066053 to Fero (the Fero reference). Claims 6-8, 15-17 and 19 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent for including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 1 and 9 and canceled claims 18-20.

With respect to independent claims 1 and 9, Applicants respectfully disagree with the Examiner's assertion that claims 1-4 and 9-13 are anticipated by the Zipperle reference. The Zipperle reference discloses a damping device for a glove box door for delaying the pivoting movement of the door from the closed to the open position. The damping device includes a viscous brake in the form a pinion 24 riding along a track 291. The Zipperle reference does not teach or suggest a damper having a damping surface disposed at an acute angle relative to a plane substantially perpendicular to the axis of rotation, as is required by Applicant's invention, as defined in claims 1 and 9. Instead, the Zipperle reference uses a viscous brake pinion mounted on a drive member which is exactly perpendicular to the axis of rotation. Deceleration is caused by the hindering rotational movement of the pinion in a viscous fluid as the pinion travels across the gear track. The Zipperle reference does not teach or suggest an engagement surface of an opening of the

PATENT

instrument panel engaging with the damping surface disposed at an acute angle relative to a plane substantially perpendicular to the axis of rotation. For these reasons, Applicants respectfully request withdrawal of the Examiner's rejection of independent claims 1 and 9. Claims 2-8 and 10-17 are dependent on claims 1 and 9, respectively, and for at least this reason they also are patentable over the Zipperle reference. Therefore, Applicants request withdrawal of the rejection of the claims 1-17 under 35 U.S.C. §102(b).

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Any fees due in connection with this Amendment should be charged to Deposit Account No. 13-0005.